

Appl. No. : 10/684,859
Filed : October 14, 2003

REMARKS

Claims 41-75 and 84-97 have been cancelled. Claims 1, 9, 14, 76, 78, 80, and 82 have been amended. New claims 98-109 are added. Claims 1-40, 76-83 and 98-109 are now pending in this application. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Allowable subject matter

The Examiner's indication of allowable subject matter for claims 75-97 with regards to the particular device of claim 1 and for claim 5 is gratefully acknowledged. Claims 1, 9, and 14 have been amended to include the limitations of claim 75. New claims 98-109 have the limitation of claim 5. Accordingly, Applicants respectfully submit that the present claims are in condition for allowance as discussed below.

Rejoinder

Non-elected claims 17-40 are directed to a method of using the compositions of claims 1 or 9 and contain the limitations of claims 1 or 9. Applicants respectfully submit that claims 1 and 9 are in condition of allowance. Accordingly, Applicants respectfully request rejoinder and allowance of claims 17-40. Non-elected claims 41-74 have been cancelled as directed to a non-elected invention.

Rejections under 35 U.S.C. § 102(b)

Claims 1, 3, 4, and 6-8 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Desai, et al. (US Patent No. 5,834,556).

Claims 1-4, and 6-16 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Hubbell, et al. (US Patent No. 5,834,274).

Both grounds of rejection are addressed by Applicants' amendments. Claims 1, 9, and 14 have been amended to include the limitation of claim 75 which the Examiner has indicated as allowable. Claim 1 has been further amended to specify that the composition includes cells, which is implied by the recitation of cell density. Support is also found throughout the specification. New claims 98-109 have the limitation of claim 5 which has not been rejected over art.

Appl. No. : 10/684,859
Filed : October 14, 2003

In view of Applicants' amendments, withdrawal of the above grounds of rejection is respectfully requested.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 15, 2007

By: Che S. Chereskin
Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 721-6385

3852038
060707